

VARIANCE, EXCEPTION AND APPEAL PROCEDURE

If you are not able to develop your property in accordance with required zoning or subdivision requirements and there are no alternatives which allow compliance with required codes, or you are aggrieved by the decision of a County official, you may seek relief from the Board of Zoning Appeals.

You should be aware that approval of your request for relief is not automatic and the Board of Zoning Appeals will judge each application against specific criteria established for each category of relief.

PROCEDURE

STEP 1

For an application, schedule a meeting or call the Zoning Administrator in the Department of Community Development. The office is located at 20 East Gay Street in Harrisonburg. **Phone: (540) 564-3030**

Points you should cover during the meeting:

1. Check code requirements to determine how it affects your property.
2. Determine whether alternatives exist which would satisfy code requirements.
3. If no alternatives are available, determine which type of relief is needed (i.e. variance, exception, appeal). Also determine the degree of relief needed (i.e. 35' setback instead of a 50' setback).
4. Study the review criteria for your particular type of request to determine whether your request would likely be approved or denied by the Board. Review criteria for variances and exceptions can be found in the Zoning Ordinance (Sections 17-215, 218, 219 and 220). The Zoning Administrator can provide you with the criteria utilized for appeals.
5. Obtain: Application, list of review criteria and schedule of Board of Zoning Appeals meetings and submission deadlines. The Board typically meets only once a month and applications must be received approximately one month in advance.

STEP 2

Complete the application and submit with fee to the Zoning Administrator as soon as possible and before the submission deadline. A plat or plan and any other supporting documents must accompany the typical application. The property owner's signature must appear on each application. The staff will determine if the application is complete and, if so, will begin the process of soliciting comments from applicable agencies as necessary. Public notice of the proposed action is prepared and sent to the local newspaper and to adjacent property owners. The Zoning Administrator will prepare a staff report but will not typically include recommendations for approval or denial in it.

STEP 3

Attend Board of Zoning Appeals public hearing. The staff will present the application and background information. The property owner or agent can present additional information and/or explain to the Board how your request meets the applicable review criteria. Other area property owners and interested parties are allowed to speak. The Board of Zoning Appeals will make a decision after discussion of the case. The Board may make one of the following decisions:

- Approval
- Approval subject to certain conditions
- Denial, or
- Table it to a later meeting

The Board has ninety (90) days to act on an application. The 90-day deadline does not apply when the applicant requests or concurs in a delay.